

IN THE UNITED STATES DISTRICT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
NOV 19 2018

JESSE PAUL SKINNER,
Plaintiff

X

X

V.

BRYAN COLLIER ET AL,
Defendeants

X

X

ORDER TO SHOW CASE FOR AN
PRELIMINARY INJUNCTION and
TEMPORARY RESTRAINING ORDER
Civil Action No.9:18-CV-139

BY
DEPUTY _____

Upon the complaint, the supporting affidavit of complaint,
and memorandum of law submitted herewith, it is;

ORDERED, that defendants Bryan Collier, Matt Gross, Billy Lewis, Bruce Johnson, Kenneth Hutto, James Kent, Black Norman, George Jansky, Jr, Krystel Hohenbrink, Samuel Dominey, Cora Sims, and the Texas Department of Criminal Justice, show cause in room _____ of the United States Courthouse, U.S.D.C. Eastern District of Texas 104 North Third Street, Lufkin, Texas 75901, on the ____ day of _____, 20____, at _____ o'clock, why a preliminary injunction and temporary restraining order should not issue pursuant to 65(a), (b) of the Federal Rule of Civil Procedure enjoining the defendants, their successors in office, agents, and employees and all other persons acting in concert and participation with them, from;

1). Harassing or Retaliation against the Plaintiff, Jesse P. Skinner, TDCJ# 599362, for pursuing or exercising his right to file complaints through the (TDCJ-CID) grievance procedure and right to Access to Courts under the First, Eighth, and Fourteenth Amendments of the Constitution.

2). Mistreatment of Plaintiff, Jesse P. Skinner, TDCJ # 599362, through threats, unauthorized/illegal denial of privileges, and entitlements as an American with Disabilities under the Americans with Disabilities Act/Rehabilitation Act, under the Eighth and Fourteenth Amendment of the Constitution.

Immediate and Irreparable Injury, loss or damage will result if the Court does not grant a preliminary injunction and/or a temporary restraining order under Rule 65(a),(b).

IT IS FURTHER ORDERED, that effective immediately, and pending the hearing and determination of this order to **Show Cause**, the defendants Jequille Reed, Bruce Johnson, James Kent, Kenneth Hutto, John Stubblefield, Mihael Brown, Stacy Drosche, and Justin McKnight, Alvin Perry, and each of their officers, agents, employees, and all persons acting in concert or participation with them, are restrained from **Harassing or Retaliation, and Mistreatment of Plaintiff for exercising his right to access to courts. Unauthorized/illegal denial of privileges, entitlements under the American with Disabilities Act/Rehabilitation Act.**

IT IS FURTHER ORDERED, that the order to Show Cause, and all other papers attached to this application, be served on the aforesaid Plaintiffs by date: _____.

JUDGE

Date; _____
United States District Judge

PLAINTIFF'S MEMORANDUM IN SUPPORT OF
MOTION FOR PRELIMINARY INJUNCTION AND
TEMPORARY RESTRAINING ORDER

Plaintiff asks the Court to grant a motion for a preliminary injunction and temporary restraining order against Defendants. Pursuant to Rule 65(a)(b) Federal Rule of Civil Procedure.

1). Plaintiff sued defendants for Unconstitutional Conditions of Confinement for Extreme Heat Temperatures, Extreme Cold Temperatures, Inadequate Food, Inadequate Laundry, Unsanitary Showers and Housing Facilities, Inadequate Lighting, and Failure to Accommodate Plaintiff's Medical Disabilities under the Americans with Disabilities Act/Rehabilitation Act, Retaliation For Exercising the right to Access to Courts, and Equal Protection Violations.

2). Plaintiff, Jesse Paul Skinner, pro se, alleges that the Defendants (Listed) in Skinner V. Collier et al, and all defendants listed herein; John Stubblefield. Captain, Michael Brown. Sgt, Stacy Drosche, Office, Kenneth Ragland. Lt, Justin McKnight. Sgt, and Alvin Perry. Sgt are subjecting the Plaintiff at the (TDCJ) Eastham Unit (with a chronic medical condition) to Unconstitutionally dangerous conditions, and Retaliation for exercising his constitutional right to access to courts.

3). Plaintiff's attached (Declaration) proves the allegations in the application for preliminary injunction and temporary restraining order for relief are attached and incorporated by reference.

I. ARQUMENTS

4). Plaintiff will suffer immediate and irreparable injury if defendants are not immediately restrained from (Retaliating) against Plaintiff through (Housing Changes) forcing Plaintiff to (Carry) his (Property) against his

(Medical Disabilities) and assigning Plaintiff to (Housing) that are Harmful and a serious (Risk) of (Harm) to Plaintiff's health and safety through their retaliation. *Ruiz V. Estelle*, 679 F.2d 1115 (5th cir 1982); and *Janvey V. Alquire*, 647 F.3d, 585,595 (5th cir 2011); *Calhoun V. Hargone*, 312 F.3d 730 (5th cir 2002).

a). The defendants are retaliating against Plaintiff for filing a section 1983 claim for unconstitutional conditions of confinement, and for filing grievances is a protected conduct under the First Amendment of the Constitution.

b). What the prison agents, employees, and defendants are doing to (Plaintiff) is a "adverse action" was so bad that it would stop an average person from continuing their suit.

c). There is a causal connection to (Prison Officials) retaliation against Plaintiff was directly related to my access to court and the filing of (TDCj) grievances, a protected conduct, under the First Amendment.

5). There is a substantial likelihood that Plaintiff will prevail on the merits. The Eighth Amendment imposes on prison officials the duty to provide humane conditions of confinement, including adequate food, clothing, shelter, and medical care. *Farmer V. Brennan*, 511 U.S. 825, 832, 114 S.ct 1970 (1994). Also, *Brown V. Barger*, 207 F.3d 863 (6th cir 2000) of failure to accommodate disabled (Prisoner's) disabilities; Also see, *Bibbs V. Early*, 541 F.3d 267 (5th cir 2008) that prisoners should not be subjected to extreme heat or cold temperatures.

6). The threatened harm to Plaintiff outweighs the harm a temporary restraining order would inflict on defendants. *Ruiz*, 679 F.2d at 1117.

7). The Court should not require security from the Plaintiff because the Plaintiff is indigent seeking to

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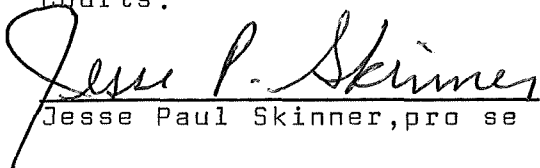
vendicate Constitutional rights. Therefore, no bond should be required of Plaintiff. See, *Kaepa In, V. Achilles Corp*, 76 F.3d 624,628 (5th cir 1996)(in holding that the amount of security required to Rule 65(c) is a matter for the discretion of the trial court,we have ruled that the court may elect to require no security at all).

8). The court should enter this temporary restraining order without notice to defendants because Plaintiff will suffer immediate and irreparable injury,loss,or damage if the TRO is not granted before defendants can be heard,see, *Ruiz V. Estelle*, 550 F.2d 238,239 (5th cir 1977) concluding that the Plaintiff had been subjected to threats,intimidation, coercion,punishment,and discrimination,all in the face of protective order to the contrary by the district court.id. Notice would be impractical or impossible to protect plaintiff's interests, See Federal Rule of Civil Procedure 65(b).

9). Plaintiff asks the court to set the request for a preliminary injunction for hearing at the earliest possible time.

II. CONCLUSION

Plaintiff prays that this Honorable Court grant a Preliminary Injunction and Temporary Restraining Order against (All) defendants listed in this application. To (Stop) any further (Retaliation) and (The Failure To Accommodate Plaintiff's Medical Disabilities) for Exercising His Right To Access To Courts.


Jesse Paul Skinner, pro se

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS FOR
LUFKIN DIVISION

JESSE PAUL SKINNER,	X
Plainmtiff,	
	X
V.	DECLARATION OF
	X JESSE PAUL SKINNER
BRYAN COLLIER ET AL	CIVIL ACTION 9:18-CV-139
Defendants	X

JESSE PAUL SKINNER, DECLARE:

I have been incarcerated at the Texas Department of Criminal Justice Correctional Institutional Division (TDCJ-CID), since 1991, and assigned to the Eastham Unit since 1999. On July 31, 2018, I filed a Conditions of Confinement Suit against all defendants in Skinner V. Collier et al, seeking relief from Unconstitutional Conditions of Extreme Heat Temperatures, Extreme Cold Temperatures, Food Service, Laundry Services, Unsanitary Showers, and Housing Facilities, Inadequate Lighting, and failure to accommodate Plaintiff's Disabilities under the Americans with Disabilities Act/Rehabilitation Act, Retaliation, and Equal Protection Violations.

1). After exercising my right to access to court, July 31, 2018, I have been moved from one housing location to another six (6) times or more by (Defendants) their agents and employees out of retaliation and an act to harm (Plaintiff) for pursuing his Constitutional Rights under the First, Eighth, and Fourteenth Amendment of the Constitution.

2). The defendants through having me moved from one housing to another, in which, is always to three (3) row, have caused me to reinjure my right and left shoulders injuries, from having to carry my (property) up and down stairs, as a person with medical disabilities of No-Lifting Over-20 Pounds, through retaliation for exercising my rights to access to court.

3). The defendants further cause me harm by palcing me in cells where I have to Store my property above my head and shoulder, is irreparable harm to my medical disabilities of No Reaching Over Shoulders because of my shoulder injuries. On October 23, 2018, Plaintiff received another move-slip from defendants from M-line-3-15-b to P-line-2-8-b, as a (Chronic Patient) with medical disabilities of No-Lifting Over -20 pounds, and after receiving shoulder surgery on October 2, 2018, and in possession of a active medical pass for No Stranuous Activities or Heavy Lifting, or Gripping. I were denied the assistance of a (Buggy or Help) to transport my property that weigh 200 lb, to my new housing location by Capt John Stubblefield, Sgt. Mithael Brown, and Officer Stacy Drosche, that caused me to reinjure my right and left shoulders.

4). If no preliminary injunction or temporary restraining order is issued by this Court, "Immediate and Irreparable Injury, loss or damage will result" if the Defendants Billy Lewis. Warden, Kenneth Ragland. Lt, Justin McKnight. Sgt, Alvin Perry. Sgt are allowed to continue to force Plaintiff to carry his prperty up and down stairs wearing (only) boxers and shower shoes during this procedure, as a disabled individual, will result in serious irreparable injury to Plaintiff.

Plaintiff filed the initial complaint against these defendants June 4, 2018, in which, TDCJ had not responded in grievance No. 2018143333, when plaintiff filed the original complaint for retaliation against all parties on July 31, 2018. The original complaint is in the process of being (Amended) to add these defendants to Skinner V. Collier et al 9:18-CV-139 Conditions of Confinement.

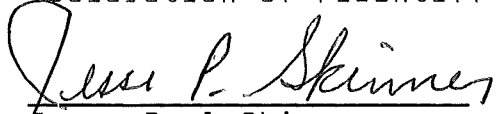
The (TDCJ) Eastham Facility is once again on lock-down for it's annual shake-down procedure and Plaintiff will be forced to carry his prop erty up and down stairs wearing boxers and

Page 2.

shower shoes (an unsafe act) of placing Plaintiff's health and safety at serious (Risk) of (Harm) will result in irreparable harm to Plaintiff through defendant's failure to accommodate Plaintiff's disabilities of No-Lifting-Over-20-Pounds and No Reaching-Over-Shoulders.

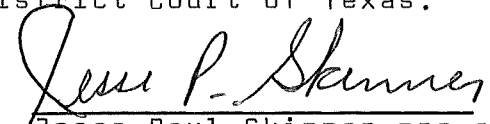
5). The defendants should not have to receive notice because they received notice through the filing of Plaintiff's complaints through the (Prison's) grievance procedure. And Plaintiff also seeks a Temporarily Restraining Order under Rule 65(b)(1)(A) of the Federal Rule of Civil Procedure. Plaintiff's declaration clearly show facts that immediate and irreparable injury, loss or damage will continue to the movant before the adverse party can be heard in opposition.

Declaration of Plaintiff


Jesse Paul Skinner, pro se

UNSWORN DECLARATION

28 U.S.C.A §1746, I declare under penalty of perjury that foregoing are true and correct. Executed on this 9 day of November 2018. In that this and all documents were served on the clerk of the Eastern District Court of Texas.


Jesse Paul Skinner, pro se

Mr. Jesse P. Skinner
TDCJ # 599362/Eastham
2665 Prison Rd.#1
Lovelady, Texas 75851

November 9, 2018

United States district Court
Eastern District of Texas
104 North Third Street
Lufkin, Texas 75901

RE: SKINNER V. COLLIER ET AL Case No. 9:18-CV-139, Motion
For Preliminary Injunction and Restraining Order:

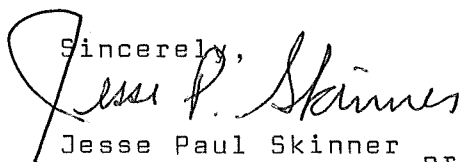
Dear Clerk,

Please find Plaintiff's Motion for Preliminary
Injunction and Temporarily Restraining Order enclosed.

Please inform Plaintiff of any movement in this action
as soon as possible.

I thank you for your time and attention.
I await your response. I Remain.

Sincerely,

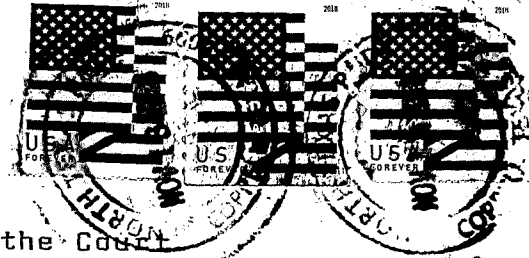
A handwritten signature in black ink that reads "Jesse P. Skinner". The signature is written in a cursive style with a large, looping initial "J".

Jesse Paul Skinner pro se

cc/jps/apl

enclosures

.Jesse P.Skinner
CJ# 599362/Eastham
65 Prison Rd.#1
velady,Texas 75851



Clerk of the Court
United States District Court
Eastern District of Texas
104 North Third Street
Lufkin,Texas 75901